



CONSUMER GRIEVANCE REDRESSAL FORUM KOLHAPUR ZONE : KOLHAPUR

Ref.No.EE/CGRF/KOP/ 89 to123/2013-14/ 87

Date : 18.6.2014

JUDGMENT Case No.89 to 123/13-14

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| 1) | M/s.Magna Industries, Plot No.41, Hatkanangale, Kolhapur-416 122. | Case No.89 | Appellant |
| 2) | Indira Gandhi Mahila Sah.Sut Girani Ltd., Awadenagar, Tal.Shirol, Kolhapur. | Case No.90 | |
| 3) | M/s.Hudali & Sons Metalics Pvt.Ltd., Shiroli, Kolhapur. | Case No.91 | |
| 4) | Mayura Steels Pvt.Ltd., Shiroli,Kolhapur. | Case No.92 | |
| 5) | M/s.Tulip Castingslk Pvt.Ltd.Shiroli,Kolhapur. | Case No.93 | |
| 6) | M/s.Super Crafts Foundry, Jaysingpur, Kolhapur. | Case No.94 | |
| 7) | M/s.Swift Enterprise Pvt.Ltd.,(Unit 2), Jaysingpur,Kolhapur. | Case No.95 | |
| 8) | M/s.Swift Enterprise Pvt.Ltd.,(Unit 3), Jaysingpur,Kolhapur. | Case No.96 | |
| 9) | M/s.Swift Enterprise Pvt.Ltd.,(Unit 4), Jaysingpur,Kolhapur. | Case No.97 | |
| 10) | K & K Foundry Pvt.Ltd., Shiroli,Kolhapur. | Case No.98 | |
| 11) | Yurotex Industries & Export Ltd., Gokulshirgaon,Kolhapur. | Case No.99 | Appellant |
| 12) | Nav Maharashtra Sahakari Sut Girani Ltd., Sajani, Kolhapur. | Case No100 | |
| 13) | M/s.Ved Industries, Hatkanangale, Kolhapur. | Case No.101 | |

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| 14) | M/s.Marvalous Metals Pvt.Ltd., Gokul-Shirgaon,Kolhapur. Continuous | Case No.102 | () | |
| 15) | Shri Swami Dyanand Spinners Pvt.Ltd., Gadmudshingi,Kolhapur. | Case No.103 | () | Appellant |
| 16) | M/s.Shri Ganesh Foundry Pvt.Ltd., A/P.Rui, Kolhapur. | Case No.104 | () | |
| 17) | Ichalkaranji Co-Op.Spinning Mills Ltd., Shirol, Kolhapur. | Case No.105 | () | |
| 18) | Yurotex Industries & Export L td., Gokulshirgaon,Kolhapur. | Case No.106 | | |
| 19) | M/s.K. & K. Craftsman Pvt.Ltd., | Case No.107 | | |
| 20) | Choundeshwari Sah.Sut Girani Ltd., Shirol,Kolhapur. | Case No.108 | | |
| 21) | Sam Flotech Pvt.Ltd., Gokulshirgaon, Kolhapur. | Case No.109 | | |
| 22) | M/s.Sameer Casting Pvt.Ltd., Gokulshirgaon,Kolhapur. | Case No.110 | | Appellant |
| 23) | M/s.Yash Metalics Pvt.Ltd., Shirol,Kolhapur. | Case No.111 | | |
| 24) | Sound Casting Pvt.Ltd., Shirol,Kolhapur. | Case No. 112 | | |
| 25) | Sound Casting Pvt.Ltd., Tardal,Kolhapur. | Case No. 113 | | |
| 26) | M/s.Technovision Auto Componants Pvt.Ltd., | Case No.114 | | |
| 27) | M/s.Siddhartha Castings, Shirol,Kolhapur. | Case No.115 | | |
| 28) | Netmech Founders Pvt.Ltd., Hatkanangale. | Case No.116 | | |
| 29) | M/s.Datta Shetkari Vinkari Sah.Sut Girani Ltd Hatkanangale,Kolhapur. | Case No.117 | | |
| 30) | M/s.Manoj Industries, Shirol,Kolhapur. | Case No.118 | | |
| 31) | Shriram Foundry Ltd., Shirol,Kolhapur. | Case No.119 | | |

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| 32) | M/s.Kusum Castings Pvt.Ltd., Shiroli,Kolhapur. | Case No.120 |
| 33) | M/s.S.B.Reshellers Pvt.Ltd., Shiroli,Kolhapur. | Case No.121 |
| 34) | Shri Spherotech Pvt.Ltd., Shiroli,Kolhapur. | Case No.122 |
| 35) | M/s.Mahabal Metal Pvt.Ltd., Miraj,Dist.Sangli. | Case No.123 |

V/s

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| 1) Executive Engineer cum Nodal Officer, M.S.E.D.C.Ltd., Circle Office, Tarabai Park, Kolhapur. | () | Respondent |
| 2) Executive Engineer cum Nodal Officer, M.S.E.D.C.Ltd., Circle Office, Sangli. | () | Respondent |
| 3) The Superintending Engineer, M.S.E.D.C.Ltd., Circle Office, Tarabai Park, Kolhapur/Vishrambag,Sangli. | () | Respondent |

- Corum:- 1) Shri B.G.Pawar, Chairperson
2) Shri G.B.Pankar, Member Secretary,
3) Shri G.C.Lele, Member.

MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
(Consumer Grievance Redressal Forum & Electricity Ombudsman)
Regulation 8.2 of Regulation 2006

Judgment by Shri B.G.Pawar, Chairperson, C.G.R.F.Kolhapur is as follows:-

All these complainants bearing No.89 to122 of Kolhapur circle and No.123 of Sangli Circle are being disposed off common judgment since the claim in all these cases is similar and defence of Company is similar.

(1) All these complainants are Industrial consumers of M.S.E.Distribution Co.Ltd. Kolhapur Zone. Details of complaint are given in para 3 of the grievance which is not disputed by Company. These Industrial consumers are classified as Continuous (HT-I-C). As per order for Maharashtra Electricity Regulatory Commission's order in case No.44/2008 dt.12.09.08 different tariff has been made applicable by the Company. Accordingly Company has issued Commercial Circular No.88 dt.26.09.08. It is contended that till July,12 they were Continuous consumers. However, as per order of M.E.R.C. dt.16.08.12 the consumer opted the category as Non continuous. On account of staggering on each Monday they were not utilizing energy. Accordingly they have given letters to Company in case No.89 on 28.09.12 and in case No.90 on 04.10.12 in other cases on different dates as mentioned in grievances.

(2) Consumers made grievances that Company should have categorized them as Non Continuous since 01.08.12 as well as / or as per second Billing Cycle as Standard of Performance. But Company has classified or sanctioned by letter dt.25.03.13 and accordingly started issuing the bills. According to consumers Company has to abide by the order of MERC and S.O.P. Regulations 2005 as well as for giving effect as a Non continuous category. Such action of Company is illegal and contrary to orders of MERC. The amount recovered after 1.08.12 should be refunded with interest or realized in ensuing bills of the consumers. In order to support the claims consumer made references of MERC order dt.16.08.12 in the petition and order of Commission dt.12.09.08 Case No.44 of 2008 wherein the Company has sought review of the tariff order. The clarification or observation in the said order are still applicable or in force. Since by this clarification, the consumer on Express Feeder have been given choice either to classify as non Continuous or otherwise. It is contended that Company started giving effect to the orders of MERC by issuing Commercial Circular. In the said Circular of the Company one month period has been given to exercise its option. The reference is made to the Circular No.175 issued by Company on 05.09.12 and it is contended that consumers have applied within one month even otherwise they are entitled to tariff as per Standard of Performance as Non Continuance from date of application of second billing cycle. In para 6 details of the amount has been given. Reliance is placed upon tariff order dt.12.09.10 in case No.111/2009 as well as in case of 19 of 2012 dt.16.08.12 wherein there is observation of previous clarification given by Commission non continuance to be applicable unless they are specifically contrary to anything that has been stated in this order. The consumer has initially approached I.G.R.C. Cell on 11.11.2013. IGRC passed on order on 13.01.2014 rejecting the claim. The said order has been challenged in these appeals or grievance for the reasons stated in para 17 of the petition on page No.8 (Case No.89). Hence prayed to allow all these grievances directing to Company to categorize them as a non Continuous as per Circular of Company dt.01.08.2012 or as per Standard of Performance on application of second Billing Cycle as non Continuous.

(3) Similar are the averments and the submissions of the other consumers in respective grievances claiming to apply non Continuous categories and to refund the excess amount from the date of applications made therein in respective cases.

(4) The Executive Engineer cum Nodal Officer, Circle Office, Kolhapur, by his Say dt.10.04.14 opposed the claims. It is contended all these consumers made application for change in tariff from HT Continuous to HT Non continuous. The dates of these applications are in between 27.09.2012 to 05.10.2012 but the applications were not submitted within the period of one month after tariff order dt.16.09.2012 as mandated by Commission vide clarification order dt.12.09.2008 in case No.44. The Corporate office of the Company approved charges in tariff as per letter dtd.20.03.2014. The Company contends Appellants have submitted the notarized Bonds of Rs.200/- stamp paper abiding the change in tariff w.e.f. the date of approval by Head Office. Now they are claiming change in tariff w.e.f.01.08.2012. It is contended in clarification order dt.12.09.2008 Company issued Circular “ in the present instance, the consumer may be given one month’s time from the date of the issue of this circular for exercising this choice. Reference are made to this order of Hon.Appellant Authority on 2nd July,2010 in case No.76 of 2010 as well as the Representation Nos.137,138 of 2010.

In respect of applicability of rule of 9.2 of SOP applications are beyond period of 1 month. Reference is made to Rule 13 of Electricity Supply code which providing power to the Company to classify or reclassify the consumer on the basis of Commission’s order based on the purposes of usages of Electricity by consumer. If applicant fail to exercise option within 1 month he losses or forfeits his right to claim benefit of change of tariff till next tariff order. Respondent has placed reliance upon judgment and order of Forum in case No.1/13-14 M/s.Nagreeka Exports Ltd., which has been upheld by appellant authority and review petition of the consumer has been dismissed. The plea of the consumer to apply rule 9.2 of Standard of Performance has been rejected. Hence prayed to reject these petitions. Similar is the defence of the Nodal officer Sangli Circle in the say filed on 05.04.2014 in case No.123/13-14.

(5) On 23rd April,2014 Forum heard Shri Hogade, Representative of the consumers, Shri Kshirsagar, Ex.Engineer, Sangli, Shri Ahuja, Asstt.Engineer, and Shri Arali, Asstt. Engineer of Kolhapur Circle.

(6) Shri Pratap Hogade, representative of consumers made reference of orderof M.E.R.C. dt.16.08.2012 and Circular issued by Company on 05.09.2012. So applications of these consumers between 27.09.2012 to 05.10.2012 are within limitation. Officers of the Company at Circle level without giving effect to orders and Circulars forwarded those applications to Head Office and accordingly approval has been granted on 25.03.14 that non continuous tariff has been made applicable. He stressed upon rule 9.2 of S.O.P. for giving effect to change of tariff before expiry of second billing cycle after receipt of applications. The Company’s officers have ignored these mandatory provisions failure which leads penalize the Company as per schedule annexure with Regulation 2005. Thus it is contended that these Regulations cannot be changed or overruled by Circle of the Company. Those rules are still in operation and binding on the Company If there is any contradictory between order and Regulation then Regulation shall prevail. In the case decided by

this Forum case No.1 of 13-14 dt.26.06.13 this point of Rule 9.2 was not agitated by the consumer and no finding has been recorded by Forum as well as Appellant Authority in representation of the consumer and subsequent review petition of consumer. He further submitted order of MERC Case No.44 of 12.09.08 and Rule 9.2 are not controversial. The consumers have additional right by order of Commission dt.12.09.08 if they apply for change in tariff category within one month from the order, then they become eligible for change of tariff that means they get extra benefit of two months on the basis of clarification of order of case No.44. In reply, he submitted interpretation of clarification order by Competent Officer, applicable to that particular year of that particular period can not be accepted. In respect of giving Bond by consumer which is not legal it has no binding effect to the right of the consumer for asking applicability rule 9.2 of S.O.P.as well as order of Hon. Commission. It is submitted Rule 13 of Supply code referred by Company is not applicable Rule No.9.2 of S.O.P. shall prevail. As the consumers are entitled to compensate of Rs.100/- per week for non compliance of S.O.P. rule. Hence prayed to allow of these consumers' grievances and direct Company to refund excess amount recovered from consumers under Continuance Category without giving effect. As per order of tariff Commission, change of tariff be made applicable from date of order instead of Circular issued by Company from which date effect is given. Reference was made to various Circulars issued by Company in respect of staggering day, load shedding etc. to justify the Category of non continuance consumer.

(7) Shri Ahuja and Shri Arali on behalf of Kolhapur Circle have submitted clarification given by MERC in petition of Company bearing No.44/2008 was restricted for the tariff period of that particular year since original order of tariff dt.20.06.2008 was passed on by commission and order has been passed on dt.12.09.2008. The Company has strongly relied judgment of Ombudsman in case No.137,138/2010 and order of this Forum in case of M/s.Nagreeka Exports Ltd., bearing No.1/2013-14 upheld by the Authority.On facts, it was submitted by the Officer of the Company that applications of these 34 consumers of Kolhapur Circle were received after 1 month and relying upon provision of Rule 13 of Supply code of 2005. Company has given benefits of the tariff order as per directives of the Head Office from 25.03.2014. In respect of Rule 9.2 S.O.P. it was submitted Rule 12 of S.O.P. 12.2 and last proviso of it, reads "provided also that no claim for compensation shall be entertained if the same is filed later than period of 60 days from the date of rectification of deficiency in performance standard. So the claim for compensation is not within the limitations. On all these grounds prayed to reject grievances of the complainant consumers.

(8) Shri Kshirsagar, Executive Engineer, Nodal Officer, Sangli in case No.123 adopted submission made by Shri Ahuja and Shri Arali of the Company.

(9) During the course of hearing of these grievances, petition in Nagrika Case No.1/13-14, decided by this Forum, the consumer has approached to MERC and matter was Reserved on 6th May. It was proposed to differ passing of order in these Grievances till order of H'ble Commission. Shri Hogade,representative of consumers on 6th June brought to notice of Forum the order of H'ble Commission of case No.188/2013 dt.29.05.2014 and gave information in writing in respect of M/s.Ghatage Patil Industries before H'ble Commission MERC which is not finally decided since

preliminary issue about mentability is pending. Meanwhile, on 5th May,2014,additional Say has been filed. The case decided by CGRF Baramati bearing No.3/14-15 dt.22.04.14 has been relied. It is contended that the consumer has two different avenue open as per Rule 9.2 of Standard of Performance Regulation 2005 for change of tariff and as per order of H^{ble} MERC dt.12.09.2008 as per S.O.P. to change the tariff limited for 1 month is not binding. Reference is made to Case No.64/2014 decided by H^{ble} Commission on 11.04.2014.

The Licensee (M.S.E.D.C.L.) by its additional say dt.15.05.2014, it is contended the clarification given in MERC and S.O.P.Regulation need not be separately read. On the contrary, the directives of Honorable Commission and Regulation by Commission should be read together. H^{ble} Commission in its clarificatory order 44/2008 wherein it is late, “ In case such choice is not exercised within the specified period then the existing categorization will be continued. It is contended the case relied upon by petition in case No.14/2014 will not be applicable. Moreover, in that case rule 9.2 of Standard of Performance was not involved. Rest is the repetition of earlier say dt.10.04.2014.

The following points arise for determination.

- 1) ***Whether all these consumers are entitled to refund difference of amount by changing its tariff category from continuous to Non continuous ?***
- 2) ***Are these consumers entitled to compensation of Rs.100/- per week on account of delay in giving effect to change of category as per Standard of Performance. Rule 9.2 ?***

My answers to above points are as follows:

1. ***No***
2. ***No***

The grievances are dismissed.

Reasons

As per written submission of both parties and oral argument before Forum, all theses consumers are Industrial consumers and they are being treated and charged as Continuous HT-1-C upto July,12. The consumers have to suffer stagnancy on each Monday .As per order of Commission MERC dt.16.08.12 they have opted non Continuous supply HT-1-N in between 28.09.2012 to 04.10.2012, by these different grievances, the Head Office of M.S.E.D.C.L. accorded sanction on 25.03.2013 and the consumers are treated as Non Continuous from that date.

The consumers contended the billing at higher rate as illegal contrary to order of Honorable Commission dt.16.08.12. Reference is made to Clause IV of Commission Order dt.16.08.12. It reads, only H.T.Industries connected on Express Feeder and demanding Continuous supply will be deemed as H.T.Continuous Industry and given continuous supply, while all other H.T. Industrial consumers will be deemed as HT Non Continuous Industry. So the consumers are entitled to change of tariff or liable to pay as Non Continuous category.

To sustain this firstly, the consumers rely upon order of Honorable Commission in case of 44/2008 dt.20.06.2008 and the clarification order dt.12.08.2008. **It reads, however, it is clarified that consumers getting supply on Express Feeder may exercise his choice between Continuous and Non Continuous only once in a year within the first month after issue of the tariff order of the relevant tariff period. In the present instance the consumer may be given one month time from date of issue of this order for exercising his choice. In case such choice is not exercised within the specified period then the existing categorization will be continued.** Thus Shri Hogade submitted this explanation of Commission is still applicable and the Licensee accordingly issued Commercial Circular No.88 dt.26.09.2008.

The Licensee (M.S.E.D.C.L.) by its say and the oral submission before Forum seriously disputed clarification given by Commission is not in force but it was applicable to that tariff period of 2008. Shri Hogade submitted the submission of consumers can not be accepted because Company has issued Circular after clarificatory order and gave directives to implement the order of Commission. Circular No.175 dtd.5.9.2012. So the application are within one month. The say of the Company is supported by order of this Forum in case No.1/13-14 decided on dtd. 25.06.2013 The Representation of consumer bearing No.73 of 2013 dt.4.10.2013 and Review P. bearing No.88 of 2013 rejected on 20.11.2013. The proceedings before Commission is in that case bearing No.188 of 2013 disposed by Honorable Commission on 29.05.2014. The Forum come across decision of Honorable Ombudsman dt.9th January,14 in Representation No116 of 2013 filed by consumer. The facts of the present case in hand are similar. The points raised by Company that clarificatory order of MERC dt.12.09.08 in case No.44 of 2008 arising out of tariff order dt.20.06.2008 in case No.72 of 2007. Those directives were applicable only for that relevant tariff order has been accepted by Honorable Ombudsman, Nagpur. As seen from the findings or observations of in that case at page 8 para 18 it is observed "But the appellant is forgetting that the said clarificatory order dated 12.09.2008 as well as Commercial Circular No.88 are restricted to the detailed Tariff Order dated 20.06.2008 in Case No.72/2007. The said Tariff Order was in existence from 1.6.2008 till 31.7.2009 because Tariff Order dated 17.8.2009 in caseNo.116/2008 became applicable w.e.f.1.8.2009.The option to change the Tariff category from HT-I continuous to non-continuous industries was not there in the subsequent Tariff Orders in case No.116/2008. 111/2009 an 19/2012. The clarificatory order dated 12.9.2008 in Case No.44/2008 will not

automatically apply to the subsequent Tariff Orders. Obviously the appellant could not give its choice for change of tariff category from HT-1 continuous to non-continuous industries. Thus the respondent was perfectly justified in not entertaining the said application of the appellant and continuing to charge HT-1C tariff to the appellant. Consequently Representation is dismissed. In the result, in view of order of Honorable Commission in case No. 19 of 2012 dt.16.08.2012. The consumer ought to have applied for change of tariff within 1 month i.e. on or before 16.09.2012. On failure to do so, the consumer will be charged according to Continuous category. So the claim of refund of excess amount is liable to be rejected. Though the circular is received by 05.09.2012 on page 288 of Case No.19 of 2012 dt.16.08.2012 it is observed, it should be noted that all previous clarification given by Commission through its various order can not to be applied unless they are specifically contrary to argument that has been stated in this order wherein the clarification given in this order shall prevail.

Decision of C.G.R.F. Forum, Baramati, dt.22.04.14 Case No.3/14-15, is not binding on this Forum. In view of above discussion and more particularly judgement order dt.9.1.2014 in representation No.116 of 2013 by Honorable Ombudsman,Nagpur, the judgement of CGRF Baramati is of little help to the Consumers.

In para 8 of the grievances reference is made to Rule 9.2 of Standard of Performance it reads "Any change in name or change of Tariff category shall be effected by Distribution Licensee before the expiry of second billing cycle after the date of receipt of application. Failure to comply these Regulation, liabilities cast upon Licensee to pay compensation Rs.100/- per week. as per schedule in the S.O.P. Regulation. In para 9 of the say dt.10.4.2014, it is contended to avail the benefit of Regulation 9.2 for the change of tariff category before expiry of second billing cycle. The applicant has necessarily to submit his application within one month of the tariff order. Consumer can not ask as of right to claim change in tariff before second billing cycle unless he files application. In Case No. 1 of 2013 decided by this Forum dt.25.06.2013, oral submission was made for compensation as per S.O.P. In Appeal before Lokpal, plea was raised to award compensation. The Representation bearing No.88 has been dismissed on 20.11.2013. No claim for the compensation was raised as the delay in effecting to change of tariff it was not raised before IGRC Cell or Forum in Representation No.73. New plea was raised in the review. So it was dismissed. One thing is clear as rightly submitted by Shri Hogade that there was no point raised about Determination of compensation on account of failure or non compliance of Rule 9.2 S.O.P.Regulation 2005. Therefore, the submission of Officers of the Company that the claim of consumers in respect of compensation on failure to comply Rule 9.2 has been finally decided in this case No.1/13-14 cannot be accepted. The consumer has independently right to approach Honorable Commission in proceeding under 142 before it decided on 29.05.2014. So the previous judgment in M/s.Nagrika Exports Ltd. No.1/12-13 would not be operated as **RESJUDICITA**.

(10) So the plea of consumers in respect of 9.2 will have to be independently dealt with in this grievances. Question crops for consideration whether on passing of order by H'ble Commission, the Licensee is bound to give effect to change of tariff as per Regulation 9.2 of S.O.P. ?

One has to answer effect has to be given before expiry of second billing cycle and that purpose consumer has to make application. Because rule 9.2 provides condition precedent for making change in name or tariff before expiry of second billing cycle. The consumer has to make application. Moreover, Company's tariff order provides filing of application within one month from date of tariff. In the present case order of MERC is dt.16.08.2012 giving effect of 1st August,12. Option has to be exercised within one month. In the present case, applications have been filed by this consumers on 28.09.2012 to 04.10.2012 certainly after 16.09.2012. So the consumers cannot bank upon or rely upon Circular issued by Company dt.05.09.2012. Order of Honorable Commission has issued order under statutory provision of Act 2003 these are binding on Licensee and consumers. Regulation are approved by Commission in 2005. Subsequent orders of MERC will have to be given effect i.e. for giving effect to the change in tariff. Consumer has to exercise option or elect to enjoy electricity as earlier Continuous or non continuous as such.

Submission of Shri Hogade that if there is contradiction between Act and Constitution then the constitution prevails. If there is any contradiction between Regulations and Act, then the Act prevails. If there is any contradiction **between order and Regulations then the Regulations prevail.** On its basis it was submitted the application of consumers for change in tariff category was to be considered on the Regulation 9.2 and change must be made applicable from second billing cycle and any order can not withdraw the rights of the consumers given to them by Regulation made under the provision of Act. **The second submission that** consumer have additional right by order of Commission dt.12.09.08 given extension of 1 month period. They get 2 months period on the basis of this order. However, in view of judgment of Honorable Lokpal,Nagpur in Case No.116/2013, it will not automatically apply to the subsequent tariff order. So the submission that Regulatory orders are supplementary/complementary to each other and not contradictory can not be accepted on 6th June,2014. Shri Hogade was present before Forum. On query what is the effect of non compliance of S.O.P. Regulation it was submitted schedule with Regulation provides award of compensation of Rs.100/- per week . Still the right of consumers to get benefit of tariff from Continuous to Non Continuous exist or can come into force independently. Reference was made to provide of Section 62 Sub-Section 6, the Licensee/M.S.E.D.C.Ltd. has recovered charges exceeding the tariff determined by Commission so under Section 62. Consumer or person entitled to recover the same with interest.

The Forum is of the opinion that to attract the Rule 9.2, consumer must make application then rider for giving effect change of tariff from second billing cycle will be made applicable or come into force. The Forum finds substance in the claim on the basis of Rule 9.2 for giving effect to change of tariff as per tariff order from second Billing cycle, but it is made effective on receipt of the application from consumers. As per order of Honorable Commission consumer has to exercise option to have supply for energy as Non Continuous than Continuous which was enjoyed till July,12 according to the consumer. Second condition they have to apply for change of tariff. The applications are certainly not within one month as provided by the order of Commission but consumers based its claims on Circular of the Company dt.05.09.2012 to bring their applications within time. Therefore, Forum is of the opinion on the basis of non compliance of Regulation 9.2, consumer would be entitled to compensation till effect is given as per Head Office Circular in March,14 and definitely not to claim the refund of difference amount of tariff with interest on the basis of application to change the tariff. Hence the points are answered in the **negative**.

The submission of the officers of the Company Rule 13 of Supply Code has little bearing or insignificant as such Another submission as per rule 12.2 S.O.P. the application of compensation is time barred. It is not within 2 months. It can not be accepted.

Grievances have been filed on 14.03.2014. In first week of April, 2014, Mr.Hogade was contacted on phone by Forum for fixing the date for Hearing. He has given consent to fix those cases on 24.04.2014 for hearing, in view of the preoccupation of Parliamentary Elections, with intend to decide these grievances within 2 months. Hearing was concluded on 24.04.14 itself. It was proposed to await decision of Honorable Commission in proceeding by M/s.Nagarika Exports Ltd. (188 of 2013) which has been decided on 29.05.2014. Meanwhile, parties were allowed to file additional say. So the grievances could not be decided within 2 months.

In view of the findings of above points in the negative in these Grievances Case No.89 to123 are hereby rejected.

ORDER

- 1) All these grievances are rejected.
- 2) Copy of Order be kept in each other grievances.
- 3) The applicants / aggrieved persons by this Order are having right to prefer appeal within 60 days from the date of this order before the Hon. Ombudsman at 'Keshwa' Bandra Kurla Complex, Bandra (E) Mumbai.

Date: 18.6.2014

Sd/-

(B,G,Pawar)
Chairperson

1. Shri G.B.Pankar, Member Secretary ..Sd/-
2. Shri G.C.Lele, Member. .. Sd/-

Judgment by unanimous rendered by the Forum shall be implemented.

Sd/-
(B,G,Pawar)
Chairperson